

Dear Judge Tolivar

These are my objections to your findings and recommendations in my case.

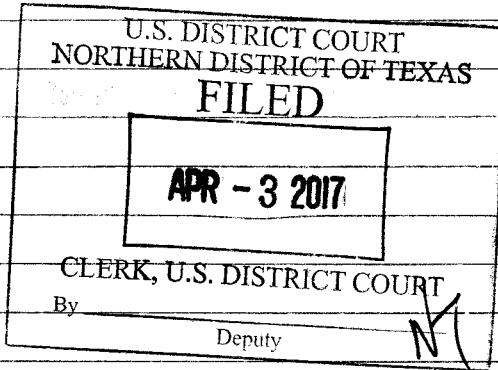
- 1) excessive sentence - violation of 8th amendment, section 6 page 7 and 8
- 2) I object to comments made in section A(c) at 5, concerning "facts" in factual resume.

Also I would like to file a complaint against my attorney for hiding facts in my case. See factual resume at 2 and amended factual resume at 3.

Denny Burgess

65484-054

FSC Elkton



8th amendment violation criteria

- (1) whether the method of punishment is inherently cruel or severe
- (2) whether the punishment is excessive, disproportionate or unnecessary
- (3) whether the punishment is unacceptable to society
- (4) whether the punishment is being inflicted arbitrarily.

The 8th amendment requires proportionality in the sentence imposed for a crime. 120mo of incarceration is not proportional to my crime. 60mo could of been just as effective. The guidelines state 54-67 mo.

As applied to my case, 120mo sentence as a mandatory sentence ~~or~~ even as "normal" sentence if of imprisonment is unconstitutional. It is cruel and unusual.

when a punishment is disproportionate to the offense and unnecessarily ~~cruel and~~ ^{cruel in view} of the purpose for which it's used, it becomes a violation of the 8th amendment.

A sentence of 120m (10 years) under current prison conditions will continue to deny me access to needed mental health treatment for PTSD, depression and anxiety. This treatment is important for reducing residual effects of early childhood sexual abuse. The danger of lengthy incarceration in ~~which~~ ^{which} the needed trauma-directed therapy is denied is dangerous and unconstitutional, and could lead to a suicide attempt or successful suicide. Currently, the conditions of incarceration are exposing me to repeated sexual and physical assault or abuse, increasing to a dangerous level, of suicide.

I have been evaluated numerous times for suicide risks and even been placed on suicide watch over 900 hours.

So as applied to my case a 120mo mandatory sentence is cruel, severe and unconstitutional.

§ 3553 imposition of sentence

factors to be considered in imposing a sentence (a)

(e) ~~(c)~~ (2)(A)

the need for the sentence imposed to reflect the seriousness of the offense
to promote respect for the law and to provide just punishment for the offense

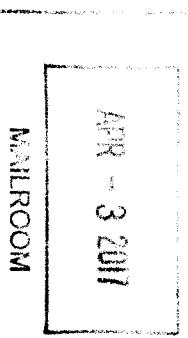
facts stated in amended factual resume

Document 28 at 2

"on october 9, 2014 a Bureau of Prisons (Bop) guard went to search a cell at Seagoville federal Correctional Institution. when the guard approached the cell he saw Barros and another inmate sitting at a table in front of a cell "

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⇒65484-054⇒

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CLEVELAND OH 440

